

# FISH AND GAME CODE

## *Use of Lights; Sniperscopes*

**2005.** It is unlawful to use an artificial light to assist in the taking of game birds, game mammals, or game fish, except that this section shall not apply to sport fishing in ocean waters or other waters where night fishing is permitted if the lights are not used on or as part of the fishing tackle, commercial fishing, nor to the taking of mammals the taking of which is governed by Article 2 (commencing with Section 4180) of Chapter 3, Part 3, Division 4.

It is unlawful for any person, or one or more persons, to throw or cast the rays of any spotlight, headlight, or other artificial light on any highway or in any field, woodland, or forest where game mammals, fur-bearing mammals, or nongame mammals are commonly found, or upon any game mammal, fur-bearing mammal, or nongame mammal, while having in his possession or under his control any firearm or weapon with which such mammal could be killed, even though the mammal is not killed, injured, shot at, or otherwise pursued.

It is unlawful to use or possess at any time any infrared or similar light used in connection with an electronic viewing device sometimes designated as a sniperscope to assist in the taking of birds, mammals, amphibia, or fish.

The provisions of this section shall not apply to the following:

(a) To the use of a hand held flashlight no larger, nor emitting more light, than a two-cell, three-volt flashlight, provided such light is not affixed in any way to a weapon, or to the use of a lamp or lantern which does not cast a directional beam of light.

(b) In the case of headlights of a motor vehicle operated in a usual manner and there is no attempt or intent to locate a game mammal, fur-bearing mammal, or nongame mammal.

(c) To the owner, or his employee, of land devoted to the agricultural industry while on such land, or land controlled by such an owner and in connection with such agricultural industry.

(d) To such other uses as the commission may authorize by regulation.

No person shall be arrested for violation of this section except by a peace officer.

(Amended Ch. 1028, Stats. 1977. Effective January 1, 1978.)

## *Loaded Rifle or Shotgun in Vehicle*

**2006.** It is unlawful to possess a loaded rifle or shotgun in any vehicle or conveyance or its attachments which is standing on or along or is being driven on or along any public highway or other way open to the public.

A rifle or shotgun shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell in the firing chamber but not when the only cartridges or shells are in the magazine.

The provisions of this section shall not apply to peace officers or members of the armed forces of this State or the United States, while on duty or going to or returning from duty.

(Ch. 456, Stats. 1957.)

## *Shooting From Vehicles*

**3002.** It is unlawful to shoot at any game bird or mammal, including a marine mammal as defined in Section 4500, from a powerboat, sailboat, motor vehicle, or airplane.

(Amended Ch. 786, Stats. 1975. Effective January 1, 1976.)

## *Illegal Herding with Motorized Vehicles*

**3003.5.** It is unlawful to pursue, drive, or herd any bird or mammal with any motorized water, land, or air vehicle, including, but not limited to, a motor vehicle, airplane, powerboat, or snowmobile, except in any of the following circumstances:

(a) On private property by the landowner or tenant thereof to drive or herd game mammals for the purpose of preventing damage by such mammals to private property.

(b) Pursuant to a permit from the department issued under such regulations as the commission may prescribe.

(c) In the pursuit of agriculture.

(Amended Ch. 1343, Stats. 1971. Effective March 4, 1972.)